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September 6, 2006

MEMORANDUM

To: Members of the Subcommittee on National Security, Emerging Threats, and International Relations

From: Mr. Robert Kelley, Chief Counsel, and Mr. Michael Gribov

Re: Briefing memorandum for the hearing *Iraq: Democracy or Civil War?* scheduled for September 11, September 13, and September 15, 2006 at 10:00 a.m. in room 2154 Rayburn House Office Building, in Washington, D.C.

PURPOSE OF THE HEARING

The three-day hearing will examine sequentially whether Iraq is on the path to democracy or civil war, and examine the following questions:

- *When Can Iraqis Assume Full Internal Security Responsibilities?*
- *What Will it Take to Achieve National Reconciliation?*
- *What are the Consequences of Leaving Iraq?*

HEARING ISSUES

Day 1: When Can Iraqis Assume Full Internal Security Responsibilities?

- 1. How many Iraqi security forces are required, and at what state of readiness should they be, for United States troops to be in a secondary role in the conduct of security operations, and to withdraw from Iraq?**
- 2. When will Iraqi security forces be able to take the lead role, and full responsibility, in securing all of Iraq's territory and population?**
- 3. What challenges remain for Iraqis to assume the lead role, and full responsibility, in the conduct of security operations?**

Day 2: What Will it Take to Achieve National Reconciliation?

- 1. What are the positions of the Shia, Sunni and Kurds on the main issues in national reconciliation: the Shia's right to form a "mega-province" in the south, sharing of oil revenue from new fields, de-Baathfication reform, and government control of militias.**
- 2. What is the likelihood of agreement on resolving these issues, and when is national reconciliation likely to be achieved?**

Day 3: What are the Consequences of Leaving Iraq?

- 1. If the insurgency and sectarian violence continue at their present or an increased pace, and the United States withdraws its forces from Iraq, what are the likely consequences for the United States Iraq, and the Middle East?**
- 2. If a civil war exists in Iraq, and the United States withdraws its forces from Iraq, what are the likely consequences for the United States Iraq, and the Middle East?**
- 3. If the Iraq Government asks the United States to withdraw United States forces, what are the likely consequences for the United States, Iraq, and the Middle East?**

BACKGROUND

Democracy or Civil War?

Mr. Thomas Friedman has written, “it is now obvious that we are not midwifing democracy in Iraq. We are baby-sitting a civil war.” (**Attachment 1**) In contrast, General Abizaid, Commanding General of Central Command (CENTCOM), told the Senate Armed Services Committee that while the increase in sectarian violence means Iraq could “move toward” civil war, Iraq has not reached that point; and the Department of Defense August 2006 Report to Congress, “Measuring Stability and Security in Iraq,” finds that the Iraqi Government’s National Reconciliation program has the prospect of completing Iraq’s democracy and avoiding civil war. (**Web Resource 1**)

Democracy

In his August 21, 2006 press conference President Bush pointed out that 12 million Iraqis voted “to live in a free society.” (**Web Resource 2**) On August 31, 2006, President Bush addressed the American Legion National Convention and stated, “In the three years since Saddam's fall the Iraqi people have reclaimed sovereignty of their country. They cast their ballots in free elections. They drafted and approved a democratic constitution and elected a constitutional democracy in the heart of the Middle East.” (**Web Resource 3**)

The following chart from the latest (August 2006) Defense Department’s Report to Congress, “Measuring Stability and Security in Iraq,” which is mandated by Section 9010 of the 2006 Defense Appropriations Act (hereafter referred to as the “the DOD August Report to Congress) maps Iraq’s democratic progress since October, 2005. (**Web Resource 1**)

Major Milestones Toward a Democratic Iraq	
Oct 15, 2005	National Referendum on the Constitution
Dec 15, 2005	National Elections under the New Constitution
Mar 16, 2006	First Session of Council of Representatives
Apr 22, 2006	Election of Presidency Council by Council of Representatives Nomination of Prime Minister by Presidency Council
May 20, 2006	Naming of Cabinet by Prime Minister Designee Vote of Confidence for Prime Minister, His Cabinet, and His Program
Jun 8, 2006	Nomination and Approval of Minister of Defense, Minister of Interior, and Minister of State for National Security Affairs
Jul 13, 2006	Transfer of Muthanna to Provincial Iraqi Control
Jul 26, 2006	Prime Minister al-Maliki Addresses Joint Session of U.S. Congress

Civil War

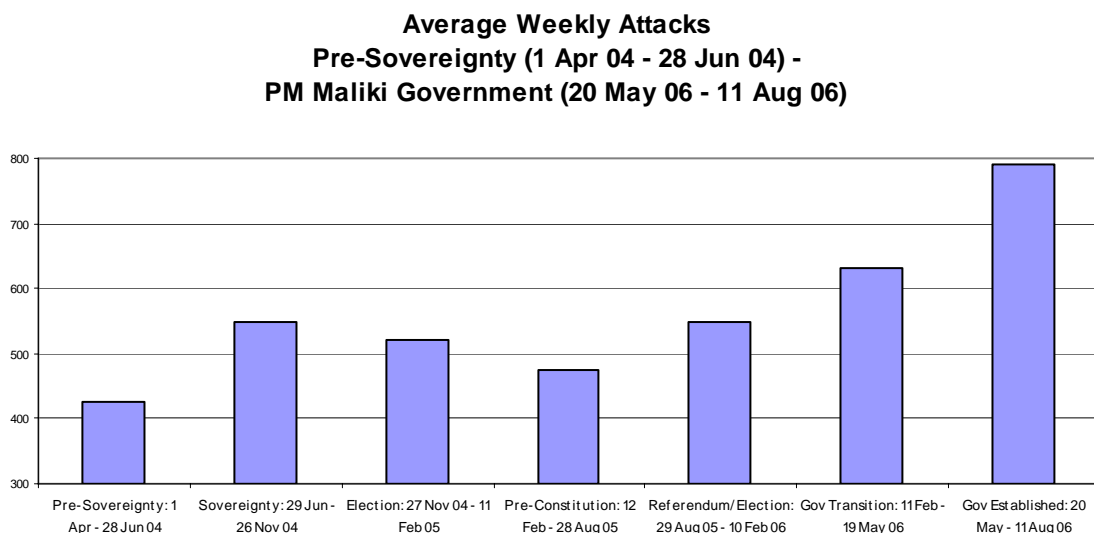
Despite this progress on democracy, the DOD August Report to Congress states:

Rising sectarian strife defines the emerging nature of violence in mid-2006. Since the last report, the core conflict in Iraq changed into a struggle between Sunni and Shia extremists seeking to control key areas in Baghdad, create or protect sectarian enclaves, divert economic resources, and impose their own respective political and religious agendas. Death squads and terrorists are locked in mutually reinforcing cycles of sectarian strife, with Sunni and Shia extremists each portraying themselves as the defenders of their respective sectarian groups. However, the Sunni Arab insurgency remains potent and viable, although its visibility has been overshadowed by the increase in sectarian violence.

Iraq is filled with a number of armed militia and insurgency groups, including Ba'athists, Nationalists, Shiite militia, Sunni Islamists, and foreign insurgents. Their violence against each other and Shia and Sunni civilians cause experts to question whether we are on the brink, or in fact witnessing a civil war.

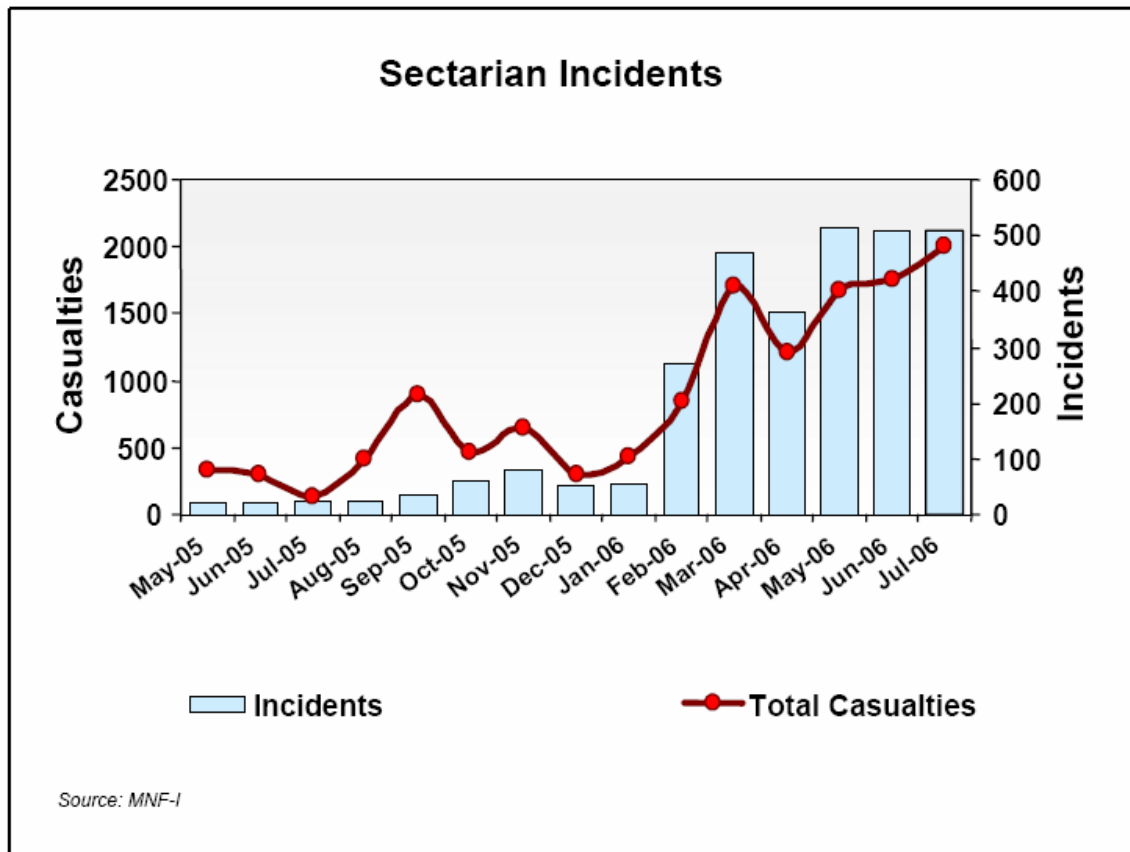
In his August 23, 2006 Wall Street Journal article, “The Battle of Baghdad,” U.S. Ambassador to Iraq, Zalmay Khalilzad writes: “In July, there were 558 violent incidents in Baghdad, a 10% increase over the already high monthly average. These attacks caused 2,100 deaths, again an increase over the four-month average. More alarmingly, 77% of these casualties were the result of sectarian violence, giving rise to fears of an impending civil war in Iraq.” **(Web Resource 4)**

DOD August Report to Congress states, “Conditions that could lead to civil war exist in Iraq, specifically in and around Baghdad, and concern about civil war within the Iraqi civilian population has increased in recent months.” The following chart from the Report shows the average weekly number of attacks on U.S. and coalition forces, Iraqi security forces (ISF), civilians, and infrastructure. The chart shows nearly a doubling of attacks from 400 to 800 per week from the period of pre-sovereignty until last month.



The Merriam-Webster Dictionary defines civil war as “a war between opposing groups of citizens of the same country.” In his August 31, 2006 address to the American Legion National Convention, President Bush stated, “This cruelty and carnage has led some to question whether Iraq has descended into civil war. Our commanders and our diplomats on the ground in Iraq believe that's not the case. They report that only a small number of Iraqis are engaged in sectarian violence, while the overwhelming majority wants peace and a normal life in a unified country.” **(Web Resource 2)**

The next graph from DOD August Report to Congress shows a sharp increase in sectarian incidents and casualties in 2006 from the previous year.



In the August 3, 2006 U.S. Senate Armed Services Committee Hearing, General John Abizaid, Commanding General of Central Command, stated, “I believe that the sectarian violence is probably as bad as I've seen it in Baghdad in particular, and that if not stopped, it is possible that Iraq could move toward civil war.” (**Web Resource 4**)

The Enemy

The DOD August Report to Congress states that “the violence in Iraq cannot be categorized as the result of a single organized or unified opposition or insurgency; the security situation is currently at its most complex state since the initiation of Operation Iraqi Freedom.” (**Web Resource 1**)

The following groups are described as comprising “the Enemy” in the DoD August Report to Congress:

Violence against the Iraqi people and Coalition forces is committed generally by both Sunni and Sh’ia groups, who are overwhelmingly Iraqi but with a small yet significant component of foreign suicide operatives. Sunni groups include Rejectionists – many of whom were members of, or associated with the former regime, and terrorist groups, including al-Qaeda in Iraq, Ansar al Sunnah, and other smaller groups... Sh’ia groups include elements of militias and illegal armed groups, many of whom receive Iranian support. (**Web Resource 1**)

Both Shia and Sunni death squads are active in Iraq, and are responsible for the most significant increases in sectarian violence. “Militias operate openly and often with popular support ...providing an element of protection for select portions of the population, usually on an ethno-sectarian basis, resulting in, overall, a more dangerous environment for the Iraqi community.” (**Web Resource 1**)

DISCUSSION OF THE HEARING ISSUES

Day 1: When Can Iraqis Assume Full Internal Security Responsibilities?

- 1. How many Iraqi security forces are required, and at what state of readiness should they be, for United States troops to be in a secondary role in the conduct of security operations, and to withdraw from Iraq?**

Forces Required – An Expert’s Optimal Number: 450,000; December 31, 2006 US-Iraqi End-Goal: 493,000

Kenneth Pollack, Senior Fellow and Director of Research for the Saban Center for Middle East Policy at the Brookings Institution, who testified at the Subcommittee’s July 11 Hearing on Strategy for Iraq, posits an optimal

number of forces needed in Iraq to maintain security by using a traditional counterinsurgency ratio of 20 security personnel per 1000 of population: hence, “for the 22 million Iraqis living outside of Kurdistan, that would require about 450,000 security personnel.” (**Web Resource 5**)

According to the DOD August Report to Congress, the end-goal of the Ministry of Defense Forces is 137,500, and the objective of the Ministry of Interior Forces is 188,000, which is a combined number of 325,500.

Currently there are approximately 130,000 American forces, 18,000 troops from other nations in the Multi-National Force-Iraq (the Coalition) (**Web Resource 6**), and 20,000 private security contractors working to maintain stability in Iraq (**Web Resource 7**), for a total of 168,000 non-Iraqi security forces in Iraq.

Combining this non-Iraqi total of 168,000 with the projected end-state of Iraq’s forces of 325,000 (to be met by the end of 2006) yields a total for security personnel in Iraq as of the end of this year, December 31, 2006, of 493,000.

This total is 43,000 higher than the optimal number identified by Brookings’ Dr. Stephen Pollack of 450,000.

Iraqi Forces Trained and Equipped as of August 30, 2006

In his August 3, 2006 testimony before the U.S. Senate Armed Services Committee, General Abizaid stated, “The first line against sectarian violence is the Iraqi armed forces. The Iraqi armed forces know where the problem’s coming from. They know how to deal with the problem. They can recognize it easier than our troops can.” (**Web Resource 8**)

The August 30, 2006 U.S. Department of State Iraq Weekly Status Report states that a total of 294,100 Iraqi Security Forces have been trained and equipped, which is 90% of the end-goal enunciated by the DoD. Within the Ministry of Interior 165,100 (MOI) have been trained, which comprises about 88% of their objective end-strength, and 129,000 with the Ministry of Defense (MOD), which is 94% of the end-goal. (**Web Resource 9**)

The following chart from the DoD Report shows a breakdown for trained personnel within each Ministry as of August 30:

[2.] Transition Iraq to Security Self-Reliance – Iraqi Security Forces



Ministry of Interior Forces

COMPONENT	TRAINED & EQUIPPED
POLICE	~115,500***
NATIONAL POLICE	~ 24,400
OTHER MOI FORCES	~25,200
TOTAL	~165,100**

Ministry of Defense Forces

COMPONENT	OPERATIONAL
ARMY	~127,200***
AIR FORCE	~700
NAVY	~1,100
TOTAL	~129,000**

Total Trained & Equipped ISF:

~294,100****

* Ministry of Interior Forces: Unauthorized absence personnel are included in these numbers

** Ministry of Defense Forces: Unauthorized absence personnel are not included in these numbers

*** Army numbers include Special Operations Forces and Support Forces

**** Does not include the approximately 144,000 Facilities Protection Service personnel working in 27 ministries

Data as of August 21, 2006 (updated bi-weekly by DOD)

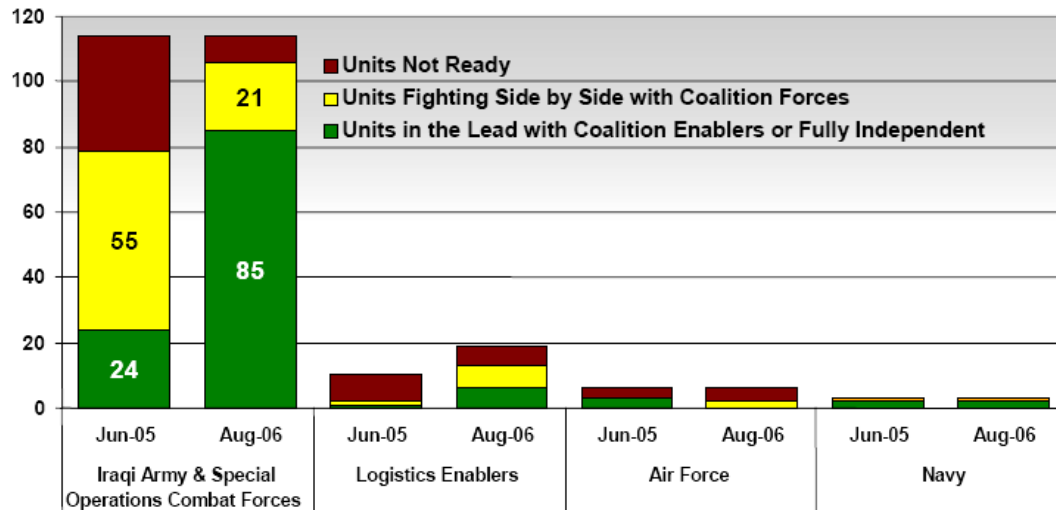
The DOD August Report to Congress states, “the end state of the Objective Counter-Insurgency Force [the total end-strength] will be an approximately 137,500-person force [in the Ministry of Defense] based around an Army with 9 infantry divisions and 1 mechanized infantry division consisting of 36 brigades and 112 battalions. Each battalion, brigade, and division headquarters will be supported by a Headquarters and Service Company (HSC) providing logistical and maintenance support to its parent organization.” (**Web Resource 1**)

2. When will Iraqi Security Forces be able to take the lead role and full responsibility, in securing all of Iraq’s territory and population?

The DOD August Report to Congress stated, “A unit can assume the lead [security role] once it has been thoroughly assessed and has demonstrated that it is capable of planning and executing combat operations.” The following is a graph from the

Report that shows how MOD capabilities have improved since June 2005.

MOD Forces' Assessed Capabilities

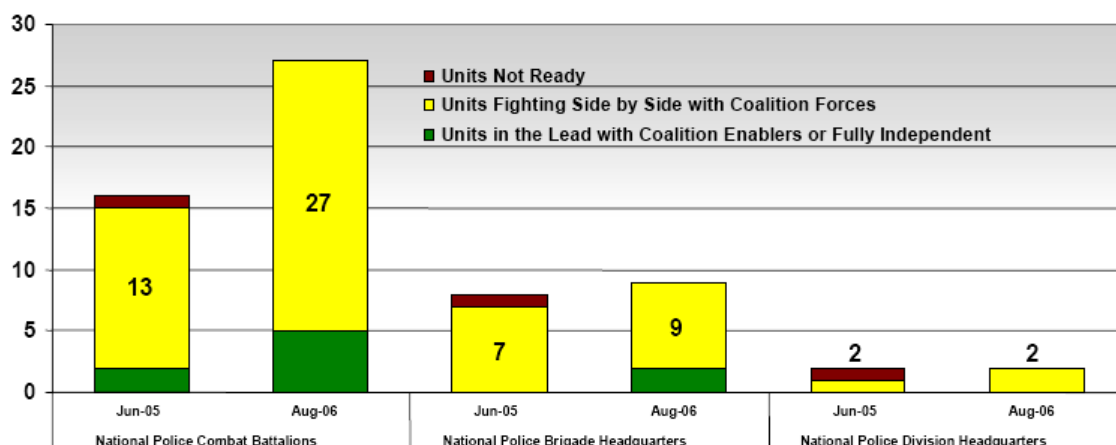


Data as of 7 August 2006

The number of Army battalions that have taken the lead for their security areas has increased over three times from the number in June 2005.

The following is a graph of MOI police forces' capabilities as of 7 August 2006 in contrast with June 2005.

MOI National Police Forces' Assessed Capabilities



Data as of 7 August 2006

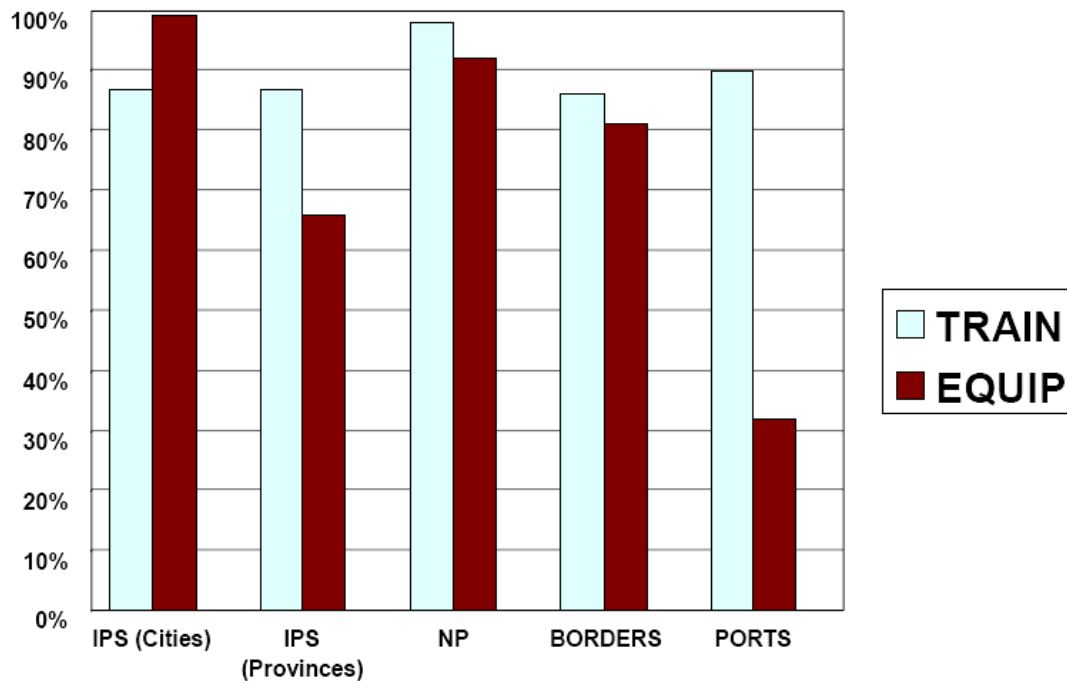
The number of police battalions that are fighting alongside Coalition Forces has increased over twofold since June 2005.

According to the DOD August Report to Congress;

- More than 92% of authorized Iraqi Army battalions are assembled.
- More than 65% of authorized personnel in the Iraqi Army support forces have been trained and equipped.
- 92% of authorized equipment has been provided to the National Police, and the police will have received 100% of their authorized equipment by the end of December.
- 92% of authorized equipment has been issued to the 10 Iraqi Army Divisions and subordinate formations, and the Iraqi Army will have received all its authorized equipment by the end of December 2006.

The following is a summary of training and equipping progress of the Iraqi Police Service.

MOI security forces are overall 84% trained and equipped. Baghdad, the other 10 critical cities, and the National Police are at 90% trained and equipped and are expected to reach 100% next quarter. Progress continues to support achieving Objective Civil Security Force goals by December 2006.



Data as of 15 July 2006

The graph indicates that as of 15 July 2006, most police services were nearly completely trained.

Border Control

According to the DOD August Report to Congress, Department of Border Enforcement (DBE) under the MOI is charged with controlling and protecting Iraq's borders. "The DBE has 23,900 trained and equipped personnel, an increase of 1,800 since the previous report. The DBE is organized into 5 regions, 12 brigades, and 38 battalions, and includes the forces that staff 258 border forts."

DBE and the Department of Ports of Entry (POE) "are expected to have 28,360 trained and equipped personnel." The DBE currently has received 81% of its authorized equipment. They will have received 97% of their authorized equipment by the end of August, and they will reach the 100% goal one month later. Iraqi POEs will have received 100% of their equipment by the end December 2006. Continued focus on the DBE will ensure that Iraq will protect itself from foreign insurgents.

Iraqis Moving to Self-Reliance

President Bush at his July 25 Press Conference with Prime Minister Nouri Al-Maliki said: “The Prime Minister and I agreed to establish a joint committee to achieve Iraqi self-reliance...to ensure the smoothest and most effective assumption of security responsibility by Iraqi forces.”

On September 1, 2006 the DOD reported that 25 percent of security operations are conducted independently by Iraqi security forces and over two-thirds are conducted by Iraqi forces with Coalition support. Less than 10 percent of operations are conducted by Coalition forces alone. (**Web Resource 10**)

According to the DOD August Report to Congress, as of August 7, 2006:

5 Iraqi Army divisions, 25 brigades, and 85 battalions, and 2 National Police battalions assumed lead responsibility for security in their areas of operation. In total, there are 106 Iraqi Army combat battalions and 8 Strategic Infrastructure Battalions (SIBs) conducting operations at varying levels of assessed capability... In addition, 27 National Police battalions are now operational and active. (**Web Resource 1**)

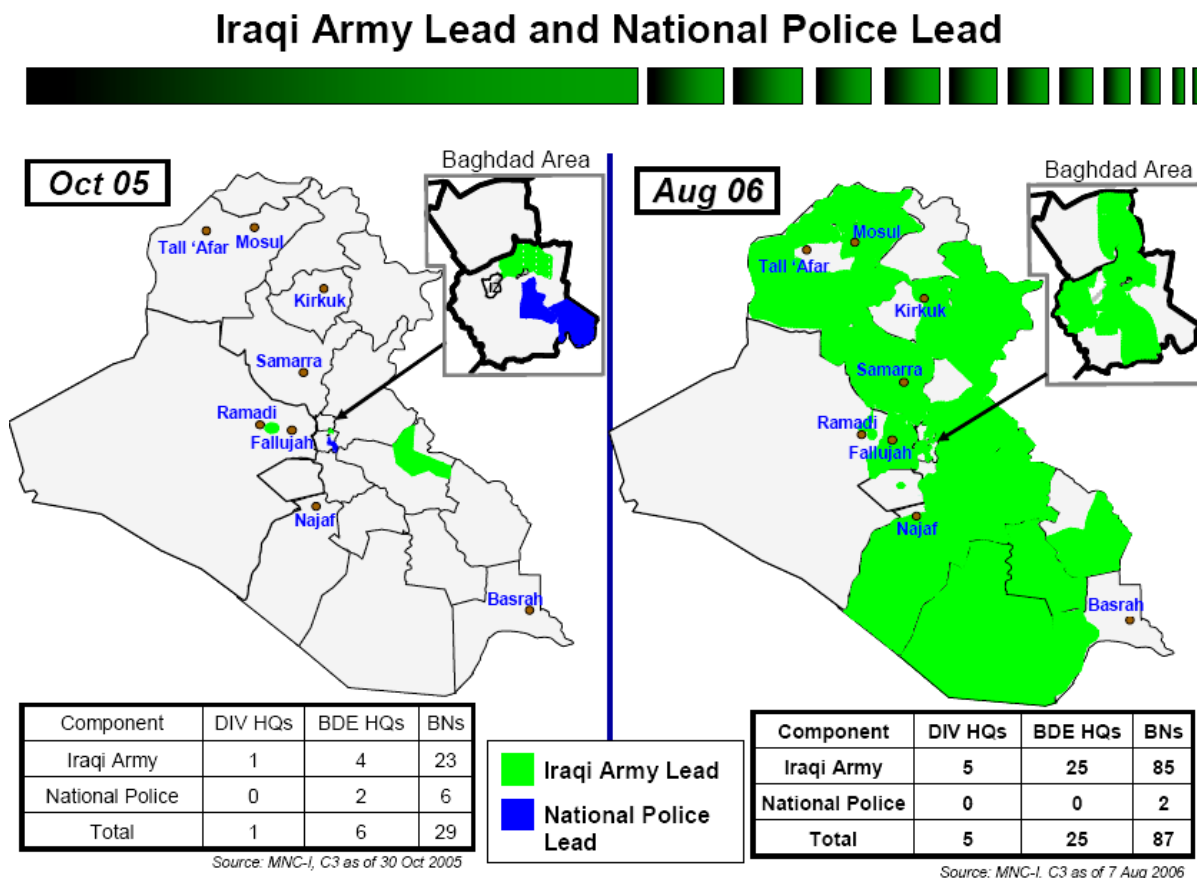
In summation, in addition to other units, 80% of all existing Iraqi Army battalions are capable of coordinating, planning and executing security operations independent of Coalition forces in their respective areas.

“Institutional capability within the MOD and the MOI is an increasingly important indicator of the transition to Iraqi security self-reliance,” the DOD Report states. The same report also states the “ISF are increasingly taking the lead in operations and assuming primary responsibility for the security of their nation, as Iraqi army and police forces demonstrate an increased capability to plan and execute counter-insurgency operations.”

According to the August 30, 2006 U.S. Department of State Iraq Weekly Status Report, the National Police is also moving to self-reliance with the “Quick Look” Plan, which involves unit inspections and leader assessments conducted by Iraqi-led teams of Ministry of Interior and Coalition technical

experts that will continue through October.

The following diagram from the DOD August Report to Congress shows the areas of Iraq where Iraqi forces assume security responsibilities. These areas have significantly expanded since October 2005.



In his August 30, 2006 briefing, General George Casey, Commanding General of Multi-National Forces, said:

We have been on a three-step process to help build the Iraqi security forces. The first step was the training and equipping... The second step was to put them into the lead still with our support... That process is almost 75 percent complete. The last step... is to get them to the stage where they can independently provide security in Iraq. That step becomes primarily building institutional capacity, building ministerial capacity and building the key enabling systems -- logistics, intelligence, medial support... that can support and sustain the armed forces in place for a longer period of time. (**Web Resource 11**)

Transferring Security Responsibilities to Iraq

Iraq Control of Iraqi Security Forces

The August 30, 2006 U.S. Department of State Iraq Weekly Status Report states:

The Iraqi government will officially take control of its major air, sea and land-based military commands beginning in early September by standing up the Iraqi Joint Headquarters... The Iraqi Ground Forces Command—the primary component for security operations—will stand up at the same time as the Iraqi Joint Headquarters and will gradually take control of the ten Iraqi Army (IA) divisions.

The Department of Defense on September 1, 2006 states that by early September the Iraqi government through the Iraqi Joint Headquarters, under the direction of the Ministry of Defense, will be fully responsible for the Iraqi Air Force, Iraqi Naval Force, and the Iraqi Ground Forces Command.

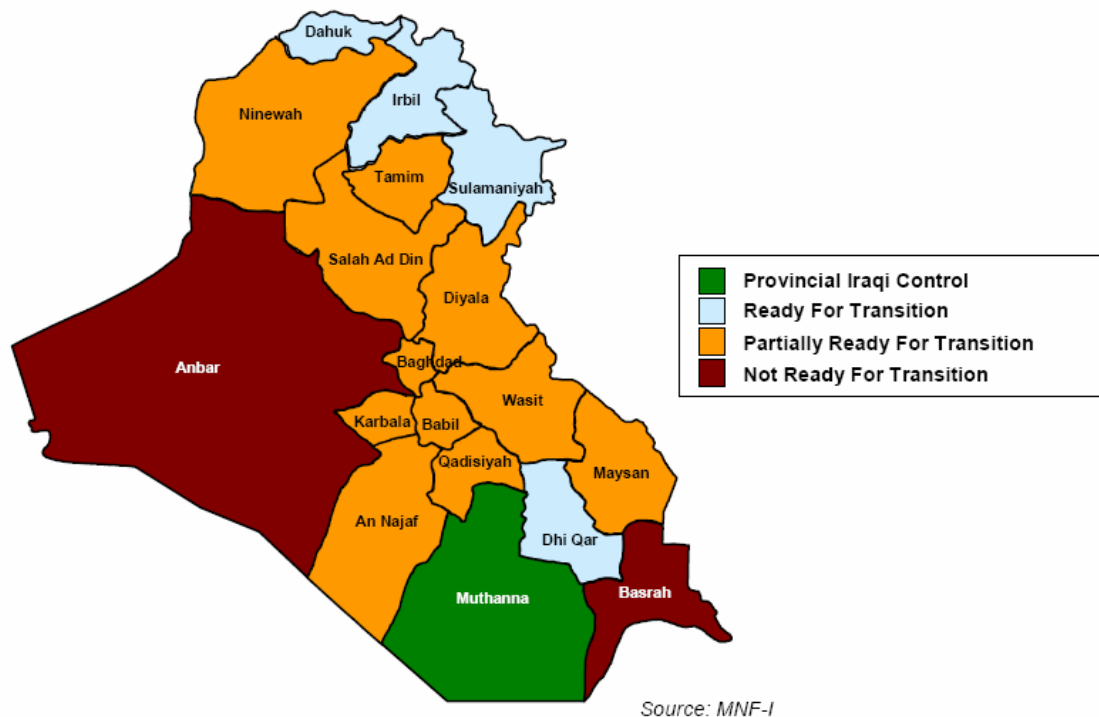
General Casey described the significance of this step: “you’ll have an Iraqi chain of command from the prime minister to the soldiers,” Major General William Caldwell, the Multi-National Force – Iraq senior spokesman described this as a major stride in Iraqis taking the lead from the United States and Coalition forces. “Now the Iraqi government has created the conditions for its military to begin reporting directly to its civilian leaders for orders, rather than relying on Coalition command structures”, Caldwell said. (**Web Resource 9**)

Iraqi Security Control of Iraq’s Provinces

The DOD August Report to Congress stated that security responsibility for as many as nine of Iraq’s 18 provinces could transition to Government of Iraq authority by the end of 2006.” Security responsibility for Muthanna Province transitioned to the provincial governor on July 13, 2006.

The following chart from the DoD Report shows three provinces in the north and one in the south that are ready for transition, and another 11 that are partially ready to come under Iraqi security control. Iraqi Prime Minister Nouri al-Maliki recently said, “We hope that by the end of the year, our security forces will take over most of the Iraqi provinces.”

Provincial Security Transition Assessment (PSTA) As of July 2006



Accelerated Timelines

The DOD August Report to Congress estimates that Iraq’s combined forces will reach 325,500 by the end of December, 2006, and will be completely trained and equipped by that year-end date. In his August 3, 2006 testimony before the U.S. Senate Armed Services Committee, Secretary Donald Rumsfeld stated, “Iraqi security forces are... headed toward 325,000 by the end of the year.”

The estimated date for reaching the “end-state [of] combined total force structure” that was given in the October 2005 version of the same report was August 2007. Hence, the current date of December 2006 has been accelerated.

In his August 30, 2006 briefing of the press, General George Casey stated:

I can see over the next 12 to 18 months ...the Iraqi security forces progressing to a point where they can take on the security responsibilities for the country with very little coalition support.

3. What challenges remain for Iraqis to assume the lead role, and full responsibility, in the conduct of security operations?

Attrition and Absenteeism

Neither attrition nor absenteeism is a significant problem within the Iraqi Armed Forces. The DOD August Report to Congress states that approximately 15% attrition is the norm for initial training in the Iraqi Army. The number may seem high, but it compares well with U.S. Army attrition rates that were as high as 19.7% during peacetime in 1998.

Absent-without-leave rates are typically about 1%–4% for most Iraqi Army divisions, although deployments to combat sometimes cause absentee spikes of 5%–8%. However, soldiers in units in this final stage of development are less likely to abandon the service.

The Ministry of Interior is a stark contrast to the Ministry of Defense. The DOD August Report to Congress states, “Leave policies and immature personnel management policies account for 30%–40% of personnel not present for duty in the National Police.” Reform in the MOI is an important issue in improving the effectiveness of police forces.

Sectarianism

The DOD August Report to Congress states:

Sectarian lines remain drawn... along geographic lines, with Sunni, Shia, or Kurdish soldiers mostly serving in units located in geographic areas familiar to their group. These divisions are even stronger at the battalion level, where battalion commanders of one particular group tend to command only soldiers of their own sectarian or regional backgrounds. The Minister of Defense, through an Officer Selection Committee, has used the normal transitions to continue to diversify the senior leadership in the Iraqi Army.

Corruption

The DOD August Report to Congress singles out MOI as an organization with endemic corruption: “Corruption, illegal activity, and sectarian bias have constrained progress in developing MOI forces. Inappropriate tolerance of and infiltration by Shia militias, some of which are influenced by Iran, is the primary concern of the Government of Iraq.”

“A lack of effective leadership and policies to stem corruption through accountability for actions, equipment, and personnel have enabled the theft of pay and equipment, unlawful detentions, and reported cases of abduction and torture or execution of Sunnis,” the Report explains.

Iraq’s government, with America’s help, has been fighting this corruption with the MOI Inspector General (IG). In 2005, the MOI IG conducted 790 corruption-related investigations. Of these, 472 (60%) were closed. Of the 472 closed investigations, 118 (25%) were forwarded to anti-corruption authorities for adjudication, 350 (74%) were closed because of “insufficient evidence,” and 4 (1%) were handled as internal MOI discipline.

Timeline Assessment

ISF will reach the objective end-goal of 325,000 by the end of 2006, and it may take another year for Iraqis to assume security control of the country. In order for American troops to withdraw from Iraq, the total Iraqi security forces should be closer to half a million people in order to fill the security gap

after American and Coalition forces withdraw.

Day 2: What Will it Take to Achieve National Reconciliation?

1. What are the positions of the Shia, Sunni and Kurds on the main issues in national reconciliation: the Shia's right to form a "mega-province" in the south, sharing of oil revenue from new fields, de-Baathfication reform, and 4) government control of militias.

The Shia Mega-Province

Iraq's constitution provides that as many as nine of Iraq's eighteen governorates (i.e., provinces) may unify into a region of their own, with the same autonomy from the central government and the same self-governing privileges as the Kurdish Regional Government possesses.

This provision was placed in the Constitution at the insistence of the leader of Iraq's largest Sh'ia political party, Abdul Aziz al-Hakim, of the Supreme Council for the Islamic Revolution in Iraq (SCIRI). SCIRI has the most seats in Parliament of any party, and is the leader of the Sh'ia bloc, which includes the Dawa party of Prime Minister Maliki, and the "radical" Moqtada Sadr. (Attachment 2)

Mr. al- Hakim and SCIRI foresee the Sh'ia governorates in the south uniting into a large, autonomous Shia region.

Brookings Dr. Pollack states "this would be a disastrous development for Iraq as it likely would spark civil wars both within the Shi'i community and between the Shiah and Sunni Arabs."

Civil war would result, Pollack writes, because the Sh'ia would keep the revenues from the southern oil fields for themselves [and they] expect the Kurds will do the same in the north, leaving no oil revenues for the Sunnis. Sunnis are strongly opposed to a Shia region in the south.

The reason for Sunni opposition, according to New York University Law Professor Noah Feldman, is that a Sh'ia mega-region is seen by the Sunnis as "the prelude to a possible break-up of the country that would leave the middle of the country with no oil and no visible means of support...leav[ing]

impoverished Sunnis between de facto Shiite and Kurdish states.”
(Attachment 1)

The Kurds are not likely to object to a Shia mega-state in the south, since they have exercised the same privilege under the Iraqi Constitution in their region in Iraq’s north, creating the Kurdish Regional Government.

Sharing The Oil

President Bush, at his press conference on June 14, 2006 upon his return from Baghdad, said that he had advised the Iraqi Government “to use their energy assets as a way to unite the country...that people...[who] may not have oil resources in their provinces, ...would have a stake in how the resources are developed elsewhere in the country.” **(Web Resource 13)**

The issue of oil revenue arises because Iraq’s Constitution, Article 109, provides that revenue from new (as opposed to existing) oil fields will be allocated to the governorate in which the fields are located, instead of being distributed throughout the country equitably to all provinces based on population, or other formulas fair to all. **(Web Resource 14)**

The Sunnis are opposed to this provision because it means the Sh’ia and the Kurdish governorates, where the new oil fields likely lie, will keep the oil money. The Sunni governorates, which most believe have little oil, will be left without funds. **(Web Resource 6)**

Deputy Prime Minister Barham Salih recently said this contentious issue of oil revenues was resolved during current negotiations on a bill to be submitted to Parliament that would establish a comprehensive framework for the regulation of and investment in Iraq's oil and gas industry. Referred to as the “Hydrocarbon Law”, the bill would also deal with the allocation of oil and gas revenues among Iraqi provinces. “Remarkably we have been able to settle oil revenues,” said Salih in a video conference from Baghdad with reporters based in Washington. He gave no details. **(Web Resource 15)**

It remains to be seen if this law can override the Constitution’s Article 109 and satisfy the Sunnis.

De-Baathification Reform

Ambassador L. Paul Bremer has written that he made mistakes, not in the principle of De-Baathification, but in its implementation:

The error was that I left the implementation of the policy [which Bremer “intended to affect only the top 1 percent or so of Party members”] to a political body within the nascent Iraqi Government where it became a tool of politicians who applied it much more broadly than I intended. De-Baathification should have been administered by an independent judicial body. (**Attachment 3**)

Calling De-Baathification the “most significant grievance” in the Sunni community, Brookings’ Dr. Pollack recommends a new impartial body to overhaul and administer De-Baathification:

The new government must begin a dramatic overhaul of the de-Ba’thification process, starting by placing it in the hands of a committee of respected, well-regarded judges, lawyers, and human rights experts, preferably with the participation of foreigners from neutral countries or human rights NGOs to ensure that a new system is respectful of the victims of Saddam’s oppression, fair to Iraq’s Sunni community, and is not manipulated for private aims. (**Web Resource 6**)

Controlling the Militias

In his August 3, 2006 testimony before the U.S. Senate Armed Services Committee Hearing, General Abizaid stated, “It’s important that there be a national reconciliation effort. And it’s important that there be agreed-upon measures to move forward with various militias that are operating outside of government control.”

The DOD August Report to Congress describes the militias and the problems they create as follows:

Sh'ia groups include elements of militias and illegal armed groups, many of whom receive Iranian support.

Both Shia and Sunni death squads are active in Iraq, and are responsible for the most significant increases in sectarian violence.

Militias operate openly and often with popular support ...providing an element of protection for select portions of the population, usually on an ethno-sectarian basis, resulting in, overall, a more dangerous environment for the Iraqi community.

Whether operating within or outside the law, these armed groups operate separately from formal public safety structures. Their continued existence challenges the legitimacy of the constitutional government and provides a conduit for foreign interference. An effective disarmament, demobilization, and reintegration program is essential to meeting near- and longterm security requirements for Iraq.

In his August 23, 2006 Wall Street Journal article, "The Battle of Baghdad," U.S. Ambassador to Iraq, Zalmay Khalilzad writes: "Although Iraqi leaders and the Coalition have a sound strategy to turn the situation around, it is vital that Iraqis control sectarian violence and come together against the terrorists." (Web Resource 17)

2. What is the likelihood of agreement on resolving these issues, and when is national reconciliation likely to be achieved?

In his address to the Joint Session of Congress on July 26, Prime Minister Al-Maliki said:

For the sake of the success of the political process, I launched the National Reconciliation Initiative, which aims to draw in groups willing to accept the logic of dialogue and participation.

This olive branch has received the backing of Iraq's parliamentary blocs and support from large segments of the population. (**Web Resource 16**)

U.S. Ambassador Khalilzad termed the Prime Minister's Reconciliation Project "a vital effort", urged Iraqi leaders to "move expeditiously in implementing this Project," and said the "time has come for unity and reconciliation." (**Web Resource 17**)

A 30-member National Council, consisting of Iraqi leaders from all major religious and political groups, has been formed to implement the Prime Minister's Reconciliation and National Dialogue Plan.

As an example of actions taken by Prime Minister Maliki under his National Reconciliation Project, the August 30, 2006 U.S. Department of State Iraq Weekly Status Report states:

Approximately 500 tribal shaykhs, representing a spectrum of groups, attended a National Reconciliation Initiative Tribal Conference August 26. Prime Minister Maliki said that the conference is a key part of the National Reconciliation project and stressed the participation of all groups, including those outside the traditional political arena. The sheiks have signed a document that commits them to the reconciliation initiative and to preserving Iraq's unity. (**Web Resource 9**)

In his July 13, 2006 statement at the Senate Foreign Relations Committee, Ambassador Zalmay Khalilzad made three important points regarding a common will on all sides to pursue a peaceful Iraq:

- Sunni Arabs, who boycotted the January 2005 election, have largely participated in the political process, with representation in the national assembly proportional to their share of the population.
- Shia Arabs, who have been the principal target of sustained attacks by terrorists, have exercised enormous restraint.

- Kurdish leaders remain committed to a future as part of Iraq and have played constructive roles in shaping a cross-ethnic and cross-sectarian government. **(Web Resource 18)** (However, September 3, 2006 Associated Press reports that the president of the Kurdish region, Massoud Barzani, threatened secession, two days after he ordered the Iraqi flag to be replaced with the Kurdish one, sparking harsh reaction among Shia and Sunni leaders in Baghdad.) **(Web Resource 19)**

In addition to the National Reconciliation Council described above and charged with making recommendations to Prime Minister Maliki, there is a mechanism and timetable to amend Iraq's Constitution to deal with these issues. Under an agreement reached just before the October 15, 2005 referendum on the Constitution, the new permanent Government is to name another Constitutional Commission, within four months of the inauguration of the Iraqi Government, which took place on May 20, 2006. Hence, September 20 is the date for the naming of this Constitutional Commission.

The Commission is to propose amendments to the Constitution. These amendments require approval by a majority in the Iraqi Parliament, and then by a national referendum which must be held two months after Parliament's approval of the amendments.

The prospects for national reconciliation in Iraq depend upon whether the Sh'ia, Sunni, and Kurdish leaders have the political will to make the compromises necessary. Mechanisms are in place—the provisions for a new Constitutional Commission and the Prime Minister's National Reconciliation Council and program—to treat the issues. But whether these will result in actual reconciliation and the end to much of the intra-community violence depends on the political will of Iraq's leaders.

Day 3: What are the Consequences of Leaving Iraq?

- 1. If the insurgency and sectarian violence continue at their present or an increased pace and the U.S. withdraws its forces from Iraq, what are the likely consequences for the U.S., Iraq, and the Middle East?**

Consequences for the U.S. In his August 3, 2006 testimony to the Senate Armed Services Committee, Secretary Rumsfeld said:

If we left Iraq prematurely, as the terrorists demand, the enemy would tell us to leave Afghanistan and then withdraw from the Middle East. And if we left the Middle East, they'd order us and all those who don't share their militant ideology to leave what they call the occupied Muslim lands from Spain to the Philippines.

And then we would face not only the evil ideology of these violent extremist, but an enemy that will have grown accustomed to succeeding in telling free people everywhere what to do. (**Web Resource 5**)

In his September 2, 2006 Weekly Radio Address, the President stated:

If America were to pull out before Iraq can defend itself, the consequences would be disastrous. We would be handing Iraq over to the terrorists, giving them a base of operations and huge oil riches to fund their ambitions. And we know exactly where those ambitions lead. If we give up the fight in the streets of Baghdad, we will face the terrorists in the streets of our own cities. (**Web Resource 20**)

Consequences for Iraq: Brookings Dr. Pollack predicts civil war if the U.S. withdraws before Iraq has developed its security forces and political institutions:

Iraq's political and military institutions are not yet strong enough to allow the country to survive without comprehensive U.S. support, and are unlikely to be able to do so for several years. A precipitate withdrawal of U.S. forces before Iraq has developed capable institutions would almost certainly plunge the country into civil war. (**Web Resource 6**)

Consequences for the Middle East: In his August 3, 2006 testimony at the U.S. Senate Armed Services Committee, General Abizaid stated:

we must deter Iranian designs for regional hegemony...
Iraq is only one part of a broader regional struggle
under way—one which requires the wise application
of all our resources... (**Web Resource 5**)

In addition to civil war in Iraq, Brookings' Dr. Pollack believes a premature U.S. withdrawal would be seen in the region as a defeat for the U.S., a victory for jihadists, and a strong impetus for terrorist recruitment:

If we left Iraq prematurely, this would be seen across
the Muslim world as a great victory for the Salafi Jihadist cause—
greater even than their part in defeating the Soviets in Afghanistan.
This would be a major spur to terrorist recruitment. (**Web Resource 6**)

2. If a civil war exists in Iraq, and the U.S. withdraws its forces from Iraq, what are the likely consequences for the U.S., Iraq, and the Middle East?

Brookings' Dr. Pollack believes civil war would impact and destabilize Iraq's neighboring countries, such as Saudi Arabia and the Gulf states, such as Bahrain, Qatar, and others:

A civil war in Iraq would likely destabilize
Iraq's neighbors. Civil wars often have spillover
effects on neighboring states—such as refugee
flight and armed groups moving in to seek
sanctuary there. (**Web Resource 6**)

In his August 31, 2006 address to the American Legion National Convention, President Bush pointed to Iran as a “regime [that] interferes in Iraq by sponsoring terrorists and insurgents, empowering unlawful militias, and supplying components for improvised explosive devices.

President Bush added that leaving early “would send an unbelievably terrible signal to reformers across the region. It would say we've abandoned our desire to change the conditions that create terror. It would give the terrorists a safe haven from which to launch attacks. It would embolden Iran. It would embolden extremists.” **(Web Resource 2)**

3. If the Iraq Government asks the U.S. to withdraw U.S. forces, what are the likely consequences for the U.S., Iraq, and the Middle East?

Iraq’s President Jalal Talabani on August 2, 2006 predicted that Iraqi troops will assume security duties for the whole country by the end of the year. **(Web Resource 21)**

Prime Minister Maliki, in his July 26, 2006 address to the joint Session of U.S. Congress, stated that once Iraq’s military forces are completed, the U.S. and Coalition forces can withdraw:

While political and economic efforts are essential, defeating terror in Iraq relies fundamentally on the building of sound Iraqi force, both in quantity and capability. The completion of Iraq's forces form the necessary basis for the withdrawal of multinational forces. **(Web Resource 16)**

Just recently Mowaffak al-Rubaie, Iraq’s National Security Adviser, told CNN on June 12, 2006, “I believe by the end of this year the number of the multinational forces will be probably less than 100,000 in this country and by the end of next year most of the multinational forces will have gone home. **(Web Resource 22)**

Hence, Iraq’s President, Prime Minister, and National Security Adviser indicate that Coalition forces should depart once Iraq’s security forces are completed, and are capable of conducting their own operations. They indicated that once Iraq is able to defend against and contain, if not defeat, the insurgency, and contain, if not completely eliminate, sectarian violence, they will ask the U.S. to withdraw much or all of its forces.

Iraqi leaders are not likely to ask the U.S. to withdraw until they reach this level of self-reliance and self-defense. But once that level of self-reliance and self-defense is reached, asking the U.S. to leave would have the consequences of a success for the United States both in Iraq and the Middle East, thereby bolstering the standing of the United States.

Democracy or Civil War?

The prospects for democracy or civil war, like the prospects discussed above for national reconciliation, depend upon whether the Sh'ia, Sunni, and Kurdish leaders have the political will to make the compromises necessary to achieve two related goals:

- bring disaffected Sunnis into the political process, thereby greatly reducing the Sunni insurgency, and
- bringing the Sh'ia militias under the control of the central government, thereby greatly reducing sectarian violence.

As Brookings' Dr. Pollack writes, "Iraq hangs in the balance...the elections of December 2005 again demonstrated the desire of Iraqis for ...pluralism and peace." Yet, Dr. Pollack finds the risk of civil war is high due to the continuing security vacuum and the fact that capable military and political institutions have not yet emerged. (**Web Resource 6**)

If Iraqi military and political institutions can be completed soon, including capable and sufficiently large Iraqi Security Forces, Iraq's fledgling democracy can survive and strengthen. If these institutions are not completed, and national reconciliation is not achieved, the prospects for civil war are high.

WITNESS TESTIMONY

Witnesses were told the hearing will examine sequentially the question of whether Iraq is on the path to democracy or civil war, and examine

- *When Can Iraqis Assume Full Internal Security Responsibilities?*
- *What Will it Take to Achieve National Reconciliation?*
- *What are the Consequences of Leaving Iraq?*

On Monday, September 11, two panels will testify on “when can Iraqis assume full internal security responsibilities?”

The first panel will comprise representatives of the Department of Defense, Under Secretary of Defense for Policy, Mr. Eric Edelman, and Rear Admiral William D. Sullivan, Vice Director for Strategic Plans and Policy for the Joint Chiefs of Staff.

Their testimony will draw on the recent DOD August 2006 Report to Congress “Measuring Stability and Security in Iraq,” mandated by Section 9010 of the Defense Appropriations Act 2006.

They will principally address what is the optimal number of troops required in Iraq in the present situation and in a worst case situation. They will also testify regarding how many Iraqi security forces are required, and at what state of readiness should they be, for U.S. troops to be in a secondary role in the conduct of security operations, and to be wholly replaced in street patrolling.

They will also testify regarding when Iraqi security forces will be able to take the lead role, and full responsibility, in securing all of Iraq’s territory and population?

Panel 2 on Monday, September 11, will comprise retired U.S. Army Major General Mr. William L. Nash, Senior Fellow and Director of the Center for Preventive Action at the Council on Foreign Relations, Dr. Bruce Hoffman, expert on insurgencies and terrorism, previously at RAND Corporation and currently Professor of Strategic Studies at Georgetown University, and Mr. Alan King, who commanded a U.S. Army Civil Affairs Battalion in Iraq and

was advisor for Tribal Affairs to U.S. authorities in Iraq.

These Panel 2 witnesses will address the question of the optimal number of troops needed in Iraq, when Iraqi forces can take the lead in street patrolling, and how a timetable for Iraqi forces to be in that lead could be established.

On Wednesday, September 13, two panels will testify on “what will it take to achieve national reconciliation?”

The first panel will comprise the representative of the Department of State, Ambassador David Satterfield, Senior Advisor on Iraq to the Secretary of State and formerly Deputy Chief of Mission of Baghdad and Deputy to U.S. Ambassador to Iraq, Mr. Zalmay Khalilzad.

Ambassador Satterfield will testify regarding the positions of the Sh’ia, Sunni and Kurds on the main issues in national reconciliation: the Sh’ia’s right to form a “mega-province” in the south, sharing of oil revenue from new fields, de-Baathfication reform, and government control of militias.

Panel 2 on Wednesday, September 13, will comprise three Iraqis: Mr. Qubad Talibani, Washington Representative of the Kurdish Regional Government (and son of Iraq’s President, Jalal Talabani), Dr. Hajim Al-Hassani, former Speaker of the Iraqi Parliament and, currently a Sunni Member of Parliament, and Mr. Karim Musawi, Washington Representative of the Supreme Council for the Islamic Revolution in Iraq (SCIRI), the largest political party in Iraq.

They will also testify regarding the issues in national reconciliation, and will describe their views on the likelihood of agreement on resolving these issues, and when that might occur.

On Friday, September 15, one panel will testify on “what are the consequences of leaving Iraq?”

The panel will comprise Dr. Fouad Ajami, Director of Middle East Studies at Johns Hopkins University’s School of Advanced International Studies; Dr. James Fearon, Professor of Political Science at Stanford University and an expert on ethnic conflict and civil war, Peter Galbraith of the faculty of the U.S. National War College and Iraqi Parliamentarian, Mithal al-Alusi, leader of the Iraqi Ummah Democratic Party.

They will testify as to the likely consequences for the U.S., Iraq, and the Middle East, if the U.S. withdraws its forces from Iraq in the face of a continuation of the insurgency and sectarian violence at their present or an increased pace, or if a civil war occurs.

ATTACHMENTS

1. "Time for Plan B," Thomas Friedman. Op-Ed, The New York Times, August 4, 2006.
2. "Agreeing to Disagree in Iraq", Noah Feldman, Op-Ed The New York Times, August 30, 2005.
3. "In Iraq, Wrongs Made a Right", L. Paul Bremer, The New York Times, January 13, 2006.

WEB RESOURCES

1. <http://www.defenselink.mil/pubs/pdfs/Security-Stability-ReportAug29r1.pdf>
2. <http://www.whitehouse.gov/news/releases/2006/08/20060821.html>
3. <http://www.whitehouse.gov/news/releases/2006/08/20060831-1.html>
4. <http://www.opinionjournal.com/editorial/feature.html?id=110008834>
5. <http://www.washingtonpost.com/wp-dyn/content/article/2006/08/03/AR2006080300802.html>
6. http://www.brookings.edu/fp/saban/analysis/20060215_iraqreport.pdf
7. www.globalsecurity.org/military/ops/iraq_orbat_coalition.htm
8. <http://www.washingtonpost.com/wp-dyn/articles/A10547-2005Apr22.html>
9. <http://www.state.gov/documents/organization/71848.pdf>

10. http://www.mnf-iraq.com/index.php?option=com_content&task=view&id=5189&Itemid=46
11. http://www.mnf-iraq.com/index.php?option=com_content&task=view&id=5124&Itemid=30
12. http://www.defenselink.mil/news/Aug2001/n08132001_200108132.html
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14. <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html>
15. <http://www.kurdmedia.com/news.asp?id=13126>
16. <http://www.washingtonpost.com/wp-dyn/content/article/2006/07/26/AR2006072600872.html>
17. http://iraq.usembassy.gov/iraq/20060625_khalilzad_reconciliation.html
18. <http://www.senate.gov/~foreign/testimony/2006/KhalilzadTestimony060713.pdf>
19. <http://www.forbes.com/home/feeds/ap/2006/09/03/ap2990656.html>
20. <http://www.whitehouse.gov/news/releases/2006/09/20060902.html>
21. http://www.usatoday.com/news/world/iraq/2006-08-02-security-takeover_x.htm
22. <http://www.cnn.com/2006/WORLD/meast/06/11/iraq.main/index.html>

WITNESSES

Day 1

When Can Iraqis Assume Full Internal Security Responsibilities?

Panel I

Ambassador Eric S. Edelman

Under Secretary of Defense for Policy
Department of Defense

And

Rear Admiral William D. Sullivan

Vice Director for Strategic Plans and Policy
Joint Chiefs of Staff

Panel II

Mr. William L. Nash, Major General (retired), U.S. Army

Senior Fellow for Conflict Prevention & Director of the Center for
Preventive Action
Council on Foreign Relations

Dr. Bruce Hoffman

Professor, Security Studies Program
School of Foreign Service, Georgetown University

Mr. Alan King

Former Commanding Officer, 422d Civil Affairs Battalion
Operation Iraqi Freedom
Advisor for Tribal Affairs, Coalition Provisional Authority

WITNESSES

Day 2

What Will it Take to Achieve National Reconciliation?

Panel I

Ambassador David Satterfield

Senior Advisor on Iraq to the Secretary of State
Former Deputy Chief of Mission, Baghdad

Panel II

Mr. Qubad Talibani—(Kurdish)

Washington Representative of the Kurdish Regional Government

Dr. Hajim Al-Hassani—(Sunni)

Sunni Parliamentarian
Former Speaker, Iraqi Parliament 2005

Mr. Karim Musawi

Washington Representative
Supreme Council for the Islamic Revolution in Iraq (SCIRI)

WITNESSES

Day 3

What are the Consequences of Leaving Iraq?

Panel

Mr. Peter Galbraith

National War College

Dr. Fouad Ajami

Director of Middle East Studies
School of Advanced International Studies
Johns Hopkins University

Dr. Jim Fearon

Professor of Political Science
Stanford University

Mr. Mithal Al-Alusi

Member
Iraq Council of Representatives (Parliament)